

00- ~~1~~-1049

Entered - 08/17/99 - sb  
CL99L0531 - DIANNE C. MITCHELL

CLAIM OF: JOHN P. MARTIN  
7250 Dunhill Terrace  
Atlanta, Georgia 30328

For damages alleged to have been sustained as a result  
of vehicular damage due to a metal plate in the roadway  
on North Pelham Road on August 1, 1999.

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

FAVORABLE REPORT

COM. *Public Safety*

DATE *7/11/2000*

CH. *C. T. Martin*

*Delta Harrison*

*Henry Bailey*

CONSENT AGENDA

BE IT RESOLVED by the Council of the City of  
Atlanta that the action of the Department of Law be  
approved in authorizing payment to JOHN P. MARTIN  
the sum of \$659,90 in full settlement and satisfaction  
of all claims, past, present and future, of every kind and  
character for damages alleged to have been sustained as  
a result of vehicular damage due to a metal plate in the  
roadway on North Pelham Road on August 1, 1999 as  
is more particularly set forth in the within claim; said  
sum taken from and charged to account  
2101/529017/T31001, Settlement of Suits and Claims,  
Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

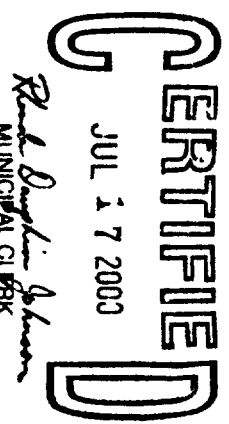
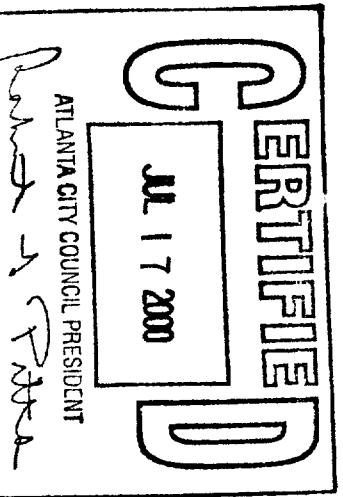
BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

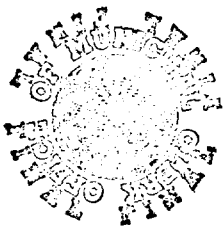
APPROVED

JUL 26 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW

ADOPTED BY  
JUL 17 2000  
COUNCIL





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1049**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **John P. Martin** in the sum of **\$659.90** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular damage due to a metal plate in the roadway on North Pelham Road on August 1, 1999** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

**JULY 17, 2000**

**JULY 26, 2000**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L00531

Date: January 12, 2000

Claimant /Victim **JOHN P. MARTIN**

BY: (Atty.) (Ins. Co.) \_\_\_\_\_

Address 7250 Dunhill Ter, Atlanta, Georgia 30328

Subrogation \_\_\_\_\_ Claim for Property damage \$ 1,032.92 Bodily Injury \$ \_\_\_\_\_

Date of Notice 08/12/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/01/99 Place North Pelham Road

Department Water Bureau \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Dept.Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant's vehicle was damaged while driving across a steel plate that had been left in the roadway from road construction performed in 1998.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept.Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - MICHAEL A. REEVES

**RECOMMENDATION:**

Pay \$~~659.90~~ Adverse Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_

Claims Manager  Concur/date 01-14-00

Committee Action \_\_\_\_\_ Council Action \_\_\_\_\_

Reeves  
08/17/99

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 8-2-99

ENTERED - 8-17-99 - SB  
99L0531 - MIKE REEVES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1032.92 property and/or \$ n/a bodily injury for which I contend the City is liable.

1. Date of incident: 8-1-99  
(month/day/year)

2. Police called: ☒ Yes ☐ No

3. Location of incident: North Peachtree Rd

4. Name of your insurance company: n/a Policy No. \_\_\_\_\_

5. State what and how incident occurred: hole in road, steel plate only covered part of pot hole - (City of Atlanta)

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 1996 Cadillac 960 AJ John P. Martin  
(make) (year) (tag number) (driver's name)

City vehicle: \_\_\_\_\_  
(make) (City driver's name) (department/bureau)

8. Witness: \_\_\_\_\_  
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

John P. Martin  
(claimant's name)

7250 Dunhill Ten.  
(address)

ATL. GA. 30328  
(city and state)

404 486 0042 770 394 5616  
(work number) (home number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NO. 00L0531

\$ 659.90

IN CONSIDERATION of the sum of SIX HUNDRED FIFTY-NINE AND 90/100  
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of vehicular damage due to road construction


which occurred on or about the 1st day of August, 1999,

at or near North Pelham Road

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 6-19 day of June, 2000.

  
JOHN P. MARTIN (LS)

The above release was read and explained to, and signed by the said John P.

Martin in our presence on the date above written.

Blaine McClain

Witnesses

00- R-1049